

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,
V.

DARIUS GILBERT

CR 15 0324 VC

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 751(a) - Escape;
18 U.S.C. § 2113(a) - Bank Robbery;
18 U.S.C. § 2113(d) - Armed Bank Robbery;
18 U.S.C. § 922(g) and 18 U.S.C. § 924(e) - Felon in Possession of Firearm and
Armed Career Criminal Act;
18 U.S.C. § 924(c) - Using, Carrying and Possessing a Firearm During and in
Relation to a Crime of Violence;
18 U.S.C. § 981(a)(1)(C) and 924(d)(1) - Forfeiture

A true bill.

Foreman

Filed in open court this 18th day of

Clerk

Bail, \$ no poss

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

See Attachment A

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

DARIUS GILBERT

DISTRICT COURT NUMBER

CR 15 0324

DEFENDANT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Lantz R. Nixon

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3-15-70659

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Rita F. Lin

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
PROCESS:
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

ADDITIONAL INFORMATION OR COMMENTS

Attachment A
Indictment
United States v. Darius Gilbert

Count One	18 U.S.C. § 751(a) – Escape
Counts Two, Four, Seven, Eight, and Nine	18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery
Counts Three, Five, and Six	18 U.S.C. § 2113(a) – Bank Robbery
Counts Ten and Eleven	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm
Counts Twelve, Thirteen, and Fourteen	18 U.S.C. § 924(c) – Using, Carrying, and Possessing a Firearm During and in Relation to a Crime of Violence

Count One: Maximum 5 Years Imprisonment; Maximum Fine of \$250,000 or Twice the Gain or Loss; Maximum Supervised Release of 3 Years; Mandatory \$100 Special Assessment; Deportation

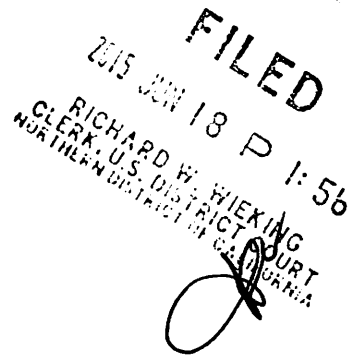
Counts Two, Four, Seven, Eight, and Nine: Maximum 25 Years Imprisonment; Maximum Fine of \$250,000 Twice the Gain or Loss; Maximum Supervised Release of 5 Years; Mandatory \$100 Special Assessment; Deportation

Counts Three, Five, and Six: Maximum 20 Years Imprisonment; Maximum Fine of \$250,000 or Twice the Gain or Loss; Maximum Supervised Release of 3 Years; Mandatory \$100 Special Assessment; Deportation

Counts Ten and Eleven: Maximum Life Imprisonment; Mandatory Minimum 15 Years Imprisonment; Maximum Fine of \$250,000 or Twice the Gain or Loss; Maximum Supervised Release of 5 Years; Mandatory \$100 Special Assessment; Deportation

Counts Twelve, Thirteen, and Fourteen: Maximum Life Imprisonment; Minimum 7 Years Imprisonment for the First Violation to Run Consecutively to Any Other Term of Imprisonment Imposed; Minimum 25 Years Imprisonment for Each Second or Subsequent Violation to Run Consecutively to Any Other Term of Imprisonment Imposed; Maximum Fine of \$250,000; Maximum Supervised Release of 5 Years; Mandatory \$100 Special Assessment; Deportation

MELINDA HAAG (CABN 132612)
United States Attorney



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CR 15 0324

VC

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARIUS GILBERT,

Defendant.

No.

VIOLATIONS: 18 U.S.C. § 751(a) – Escape; 18 U.S.C. § 2113(a) – Bank Robbery; 18 U.S.C. § 2113(d) – Armed Bank Robbery; 18 U.S.C. § 922(g) and 18 U.S.C. § 924(e) – Felon in Possession of a Firearm and Armed Career Criminal Act; 18 U.S.C. § 924(c) – Using, Carrying, and Possessing a Firearm During and in Relation to a Crime of Violence; 18 U.S.C. § 981(a)(1)(C) and 924(d)(1) – Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 751(a) – Escape)

On or about March 26, 2015, in the Northern District of California, the defendant,

DARIUS GILBERT,

did knowingly escape from the custody of the Attorney General while transferring to the GEO Care-Cornell Companies, Inc., Residential Reentry Center, in Oakland, California, a facility where he was to be lawfully confined at the direction of the Attorney General by virtue of a conviction of a felony offense against the United States; an offense in violation of Title 18, United States Code, Section 751(a).

INDICTMENT

1 COUNT TWO: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

2 On or about March 30, 2015, in the Northern District of California, the defendant,
3 DARIUS GILBERT,
4 by force, violence, and intimidation, did take away from the persons and presence of another,
5 specifically, the employees of the US Bank National Association branch located at 4610 Mission Street,
6 San Francisco, California, approximately \$13,310 in United States currency belonging to and in the care,
7 custody, control, management, and possession of US Bank National Association, the deposits of which
8 were then insured by the Federal Deposit Insurance Corporation (FDIC), and in committing such
9 offense, the defendant did assault and put in jeopardy the life of another person by the use of a
10 dangerous weapon, that is, a knife, in violation of Title 18, United States Code, Sections 2113(a) and
11 2113(d).

12
13 COUNT THREE: (18 U.S.C. § 2113(a) – Bank Robbery)

14 On or about April 2, 2015, in the Northern District of California, the defendant,
15 DARIUS GILBERT,
16 by force, violence, and intimidation, did take away from the persons and presence of another,
17 specifically, the employees of the Citibank branch located at 260 California Street, San Francisco,
18 California, approximately \$10,708 in United States currency belonging to and in the care, custody,
19 control, management, and possession of Citibank, the deposits of which were then insured by the
20 Federal Deposit Insurance Corporation (FDIC), in violation of Title 18, United States Code, Section
21 2113(a).

22
23 COUNT FOUR: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

24 On or about April 7, 2015, in the Northern District of California, the defendant,
25 DARIUS GILBERT,
26 by force, violence, and intimidation, did take away from the persons and presence of another,
27 specifically, the employees of the Bank of America, N.A., branch located at 3701 Balboa Street, San
28 Francisco, California, approximately \$9,081 in United States currency belonging to and in the care,

INDICTMENT

1 custody, control, management, and possession of Bank of America, N.A., the deposits of which were
2 then insured by the Federal Deposit Insurance Corporation (FDIC), and in committing such offense, the
3 defendant did assault and put in jeopardy the life of another person by the use of a dangerous weapon,
4 that is, a knife, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

5
6 COUNT FIVE: (18 U.S.C. § 2113(a) – Bank Robbery)

7 On or about April 17, 2015, in the Northern District of California, the defendant,
8 DARIUS GILBERT,
9 by force, violence, and intimidation, did take away from the persons and presence of another,
10 specifically, the employees of the US Bank National Association branch located at 4610 Mission Street,
11 San Francisco, California, approximately \$12,832 in United States currency belonging to and in the care,
12 custody, control, management, and possession of US Bank National Association, the deposits of which
13 were then insured by the Federal Deposit Insurance Corporation (FDIC), in violation of Title 18, United
14 States Code, Section 2113(a).

15
16 COUNT SIX: (18 U.S.C. § 2113(a) – Bank Robbery)

17 On or about April 20, 2015, in the Northern District of California, the defendant,
18 DARIUS GILBERT,
19 by force, violence, and intimidation, did take away from the persons and presence of another,
20 specifically, the employees of the Citibank branch located at 2198 Chestnut Street, San Francisco,
21 California, approximately \$12,292 in United States currency belonging to and in the care, custody,
22 control, management, and possession of Citibank, the deposits of which were then insured by the
23 Federal Deposit Insurance Corporation (FDIC), in violation of Title 18, United States Code, Section
24 2113(a).

25
26 COUNT SEVEN: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

27 On or about May 9, 2015, in the Northern District of California, the defendant,
28 DARIUS GILBERT,

INDICTMENT

1 by force, violence, and intimidation, did take away from the persons and presence of another,
2 specifically, the employees of the Chase Bank branch located at 3206 Delta Fair Boulevard, Antioch,
3 California, approximately \$18,555 in United States currency belonging to and in the care, custody,
4 control, management, and possession of Chase Bank, the deposits of which were then insured by the
5 Federal Deposit Insurance Corporation (FDIC), and in committing such offense, the defendant did
6 assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is, a
7 firearm, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

8
9 COUNT EIGHT: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

10 On or about May 14, 2015, in the Northern District of California, the defendant,

11 DARIUS GILBERT,

12 by force, violence, and intimidation, did take away from the persons and presence of another,
13 specifically, the employees of the East West Bank branch located at 3601 Balboa Street, San Francisco,
14 California, approximately \$18,104 in United States currency belonging to and in the care, custody,
15 control, management, and possession of East West Bank, the deposits of which were then insured by the
16 Federal Deposit Insurance Corporation (FDIC), and in committing such offense, the defendant did
17 assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is, a
18 firearm, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

19
20 COUNT NINE: (18 U.S.C. §§ 2113(a) and (d) – Armed Bank Robbery)

21 On or about June 2, 2015, in the Northern District of California, the defendant,

22 DARIUS GILBERT,

23 by force, violence, and intimidation, did take away from the persons and presence of another,
24 specifically, the employees of the Bank of Marin branch located at 1101 Fourth Street, San Rafael,
25 California, approximately \$31,123 in United States currency belonging to and in the care, custody,
26 control, management, and possession of Bank of Marin, the deposits of which were then insured by the
27 Federal Deposit Insurance Corporation (FDIC), and in committing such offense, the defendant did
28 assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is, a

INDICTMENT

1 firearm, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

2
3 COUNT TEN: (18 U.S.C. § 922(g) and 18 U.S.C. § 924(e) – Felon in Possession of a Firearm and
4 Armed Career Criminal Act)

5 On or about April 28, 2015, in the Northern District of California, the defendant,

6 DARIUS GILBERT,

7 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,
8 did knowingly possess a firearm, specifically, an Astra brand, 9mm handgun, bearing serial number
9 W5087, in and affecting interstate commerce, in violation of Title 18, United States Code, Section
10 922(g)(1), and Title 18, United States Code, Section 924(e).

11
12 COUNT ELEVEN: (18 U.S.C. § 922(g) and 18 U.S.C. § 924(e) – Felon in Possession of a Firearm and
13 Armed Career Criminal Act)

14 On or about June 2, 2015, in the Northern District of California, the defendant,

15 DARIUS GILBERT,

16 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,
17 did knowingly possess a firearm, specifically, a black Smith & Wesson brand, model 910, 9mm caliber
18 handgun, bearing serial number VDV7285, in and affecting interstate commerce, in violation of Title 18,
19 United States Code, Section 922(g)(1), and Title 18, United States Code, Section 924(e).

20
21 COUNT TWELVE: (18 U.S.C. § 924(c) – Using, Carrying, and Possessing a Firearm During and in
22 Relation to a Crime of Violence)

23 On or about May 9, 2015, in the Northern District of California, the defendant,

24 DARIUS GILBERT,

25 did knowingly brandish, carry, and use a firearm during and in relation to, and did knowingly possess a
26 firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United
27 States, that is, armed bank robbery in violation of Title 18, United States Code, Sections 2113(a) and (d),
28 all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and (ii).

INDICTMENT

1 COUNT THIRTEEN: (18 U.S.C. § 924(c) – Using, Carrying, and Possessing a Firearm During and in
2 Relation to a Crime of Violence)

3 On or about May 14, 2015, in the Northern District of California, the defendant,

4 DARIUS GILBERT,

5 did knowingly brandish, carry, and use a firearm during and in relation to, and did knowingly possess a
6 firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United
7 States, that is, armed bank robbery in violation of Title 18, United States Code, Sections 2113(a) and (d),
8 all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and (ii).

9
10 COUNT FOURTEEN: (18 U.S.C. § 924(c) – Using, Carrying, and Possessing a Firearm During and in
11 Relation to a Crime of Violence)

12 On or about June 2, 2015, in the Northern District of California, the defendant,

13 DARIUS GILBERT,

14 did knowingly brandish, carry, and use a firearm during and in relation to, and did knowingly possess a
15 firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United
16 States, that is, armed bank robbery in violation of Title 18, United States Code, Sections 2113(a) and (d),
17 all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and (ii).

18
19 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) and 924(d)(1) – Criminal Forfeiture)

20 The allegations of Counts Two Through Fourteen are re-alleged and incorporated by reference as
21 if set forth fully herein by reference for the purpose of alleging forfeitures pursuant to Title 18, United
22 States Code, Sections 981(a)(1)(C) and 924(d).

23 Upon conviction of any of the offenses in violation of Title 18, United States Code, Section 2113
24 set forth in Counts Two through Nine of this Indictment, the defendant,

25 DARIUS GILBERT,

26 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section
27 981(a)(1)(C) and Title 28, United States Code, Section 2461, any property constituting, or derived from,
28 proceeds obtained, directly or indirectly, as a result of such violations, including, but not limited to a

INDICTMENT

1 money judgment equivalent to the sum in aggregate of the proceeds obtained, directly or indirectly, as a
2 result of such violations.

3 Upon conviction of any of the offenses in violation of Title 18, United States Code, Sections
4 2113, 922(g), and 924(c), set forth in Counts Two through Fourteen of this Indictment, the defendant,
5 DARIUS GILBERT,
6 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1),
7 any firearm or ammunition involved in or used in any willful violation of said offense, including but not
8 limited to:

- 9 a. the Smith & Wesson brand, model 910, 9mm caliber handgun, bearing serial number
10 VDV7285;
11 b. the magazine and ten rounds of 9mm Mec-Gar ammunition loaded in the aforementioned
12 handgun; and
13 c. the Astra brand, 9mm handgun, bearing serial number W5087.

14 If any of the property described above, as a result of any act or omission of the defendant:

- 15 a. cannot be located upon the exercise of due diligence;
16 b. has been transferred or sold to, or deposited with, a third party;
17 c. has been placed beyond the jurisdiction of the court;
18 d. has been substantially diminished in value; or
19 e. has been commingled with other property which cannot be divided without difficulty;

20 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
21 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1)
22 and Title 28, United States Code, Section 2461(c).

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INDICTMENT

1 All pursuant to 18 U.S.C. §§ 924(d), 981(a)(1)(C), and 28 U.S.C. § 2461(c).

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5 DATED:

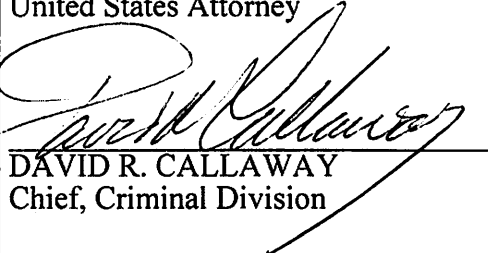
June 18, 2015

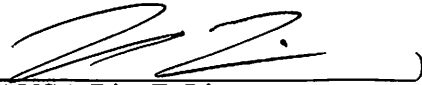
A TRUE BILL.

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FOREPERSON

MELINDA HAAG
United States Attorney


DAVID R. CALLAWAY
Chief, Criminal Division

(Approved as to form: )

AUSA Rita F. Lin

INDICTMENT